

**Remarks/Arguments**

Claims 1-39 are pending in this application. Claims 2, 3, 7 and 39 have been cancelled without prejudice. Claims 1, 8, 9, and 38 have been amended.

**I. Objection to Claims 2, 3, 8, and 9.**

Examiner objected to the use of the term "adapted to." In response, applicant changed "adapted to" to "configured to" in claims 8 and 9.

**II. Rejections under 35 USC §102**

Claims 1-12, 38, and 39 are rejected under 35 USC §102, as being anticipated by Tenhoff (U.S. Patent 5,830,145). Claims 1, 8, 9, and 38 have been amended to render them more clear and definite, and to emphasize the patentable novelty thereof by.

"[A] claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference." *Celeritas Techs., Ltd. v. Rockwell Int'l. Corp.*, 150 F.3d 1354, 1361, 47 U.S.P.Q.2d 1516, 1522 (Fed. Cir. 1998). The standard for lack of novelty, that is, for "anticipation," is one of strict identity. *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1296, 63 U.S.P.Q.2d 1597, 1600 (Fed. Cir. 2002). In the present Office Action, the Examiner's rejection is based on the Tenhoff reference, which fails to show all of the elements of the claimed invention, as amended.

In particular, the Tenhoff reference does not disclose an interferometer having a multi-element photo detector that provides a plurality of parallel outputs, a parallel to serial converter to serial data coupled to the interferometer to convert the plurality of parallel outputs to serial data, and an ultrasound console having a serial input that is coupled to receive the serial data

from the parallel to serial converter. The claims, as amended, practice this particular conversion to enable the ultrasound console to process data provided by the interferometer to form an image for display.

Therefore, dependent claims 4-6 and 8-12 are patentably distinguishable over the Tenhoff reference.

### **III. Rejections under 35 USC §103**

Claims 13-37 and 40 were rejected under 35 USC § 103 as being unpatentable over the Tenhoff reference in view of Zeylikovich (US Patent 5,943,133) and/or Tearney (U.S. Patent 6,143,003). However, none of these references nor any combinations of these references disclose, teach or suggest electrically coupling an interferometer, having a multi-element photo detector and a plurality of parallel outputs, with an ultrasound console having a serial input, via a parallel to serial converter, wherein the ultrasound console processes data provided by the interferometer to form an image for display. Therefore, independent claims 28 and 32 and dependent claims 13-27, 29-31, 33-36, and 40, as amended, are patentably distinguishable over the cited references and the combinations of cited references for at least the same reasons the independent claims are patentable.

### **IV. Obviousness-type Double Patenting Rejection**

With regard to examiner's non-statutory obviousness-type double patenting rejection over claims 1-52 of co-pending Application No. 10/017,537 in view of Tenhoff and/or Swanson (U.S. Patent No. 5,321,501), applicant disagrees with the examiner's rejection because co-pending claims 1-52 in view of any of the cited references do not disclose, teach, or suggest the particular

features claimed in the present application, namely, an interferometer having a multi-element photo detector that provides a plurality of parallel outputs, a parallel to serial converter to serial data coupled to the interferometer to convert the plurality of parallel outputs to serial data, and an ultrasound console having a serial input that is coupled to receive the serial data from the parallel to serial converter, wherein the ultrasound console processes data provided by the interferometer to form an image for display. As such, applicant wishes to traverse the obviousness-type double patenting rejection for the above reasons.

**V. Conclusion**

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700. The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to Deposit Account No. 150665.

Respectfully submitted,

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